

REMARKS

The present Amendment is in response to the Office action dated August 5, 2008, and to the Notice of Non-Compliant Amendment dated April 21, 2009.

The Notice of Non-Compliant Amendment stated that “claims 25-27 are cancelled but 26-27 still exists in the application. Furthermore, claim 8 does not exist therefore claim 9 must shift to be claim 8 and all claims after must shift as well.” In accordance with the Notice’s suggestion and as shown in the table below, claims formerly numbered as 9-25 have been renumbered as claims 8-24. In addition, the first occurrence of claims formerly numbered as 26 and 27 have been renumbered as claims 25 and 26, the second occurrence of claims formerly numbered as 26 and 27 have been renumbered as claims 27 and 28, and claims formerly numbered as 28-85 have been renumbered as claims 29-86. (Claims formerly numbered as 1-7 remain numbered as claims 1-7.)

Former Claim Numbering Format	Current Claim Numbering Format
1-7	1-7
9-25	8-24
26(first occurrence), 27(first occurrence)	25, 26
26(second occurrence), 27(second occurrence)	27, 28
28-85	29-86

By this amendment, claim 7 and renumbered claim 42 (formerly 41) are cancelled, claims 1, 4-6, and renumbered claims 8, 9, 11-15, 23 (formerly 9, 10, 12-16, 24, respectively), 27, 28 (formerly second occurrences and 26 and 27, respectively), 29-37, 39-41, 43-64, and 66-86 (formerly 28-36, 38-40, 42-63, and 65-86, respectively) are amended. In addition, new claims 87 and 88 are added. Claims 1-6, 8, 9, 11-15, 23, 27-37, 39-41, 43-64, and 66-88 are now pending in view of the above amendments (claims 10, 16-22, 24-26, 38, and 65 having been cancelled by previous amendments).

I. General Considerations

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner’s convenience and

reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

II. Claim Rejections

The Examiner rejects claims 1, 4-7, and renumbered claims 8, 9, and 11 (formerly 9, 10, and 12, respectively) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694).

The Examiner rejects claims 2 and 3 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Nelson et al.* (U.S. Patent No. 6,928,108).

The Examiner rejects renumbered claim 12 (formerly 13) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Bucher et al.* (U.S. Pub. No. 2001/0016925).

The Examiner rejects renumbered claims 13-15 (formerly 14-16, respectively) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694).

The Examiner rejects renumbered claims 23, 28, and 29-36 (formerly 24, second occurrence of 27, and 28-35, respectively) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Lee et al.* (U.S. Patent No. 6,377,643).

The Examiner rejects renumbered claim 27 (formerly second occurrence of 26) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Lee et al.* (U.S. Patent No. 6,377,643) in further view of *Bucher et al.* (U.S. Pub. No. 2001/0016925).

The Examiner rejects renumbered claims 37, 39-44, 46, and 49-55 (formerly 36, 38-43, 45, and 48-54, respectively) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in further view of *Bucher et al.* (U.S. Pub. No. 2001/0016925) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694).

The Examiner rejects renumbered claim 45 (formerly 44) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Bucher et al.* (U.S. Pub. No. 2001/0016925) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694) in further view of *Dwyer* (U.S. Patent No. 6,820,251).

The Examiner rejects renumbered claims 47 and 48 (formerly 46 and 47, respectively) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Bucher et al.* (U.S. Pub. No. 2001/0016925) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694) in further view of *Rivoir* (U.S. Patent No. 6,105,087).

The Examiner rejects renumbered claims 54-64 and 66-72 (formerly 53-63 and 65-71, respectively) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Rivoir* (U.S. Patent No. 6,105,087).

The Examiner rejects renumbered claims 73 and 76-81 (formerly 72 and 75-80, respectively) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694).

The Examiner rejects renumbered claims 74 and 75 (formerly 73 and 74, respectively) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694) in further view of *Nelson* (U.S. Patent No. 6,236,694).

The Examiner rejects renumbered claims 82, 85, and 86 (formerly 81, 84, and 85, respectively) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694) in further view of *Noy* (U.S. Patent No. 7,114,111).

The Examiner rejects renumbered claim 83 (formerly 82) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No.

2003/0174694) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694) in further view of *Lee* (U.S. Patent No. 6,377,643).

The Examiner rejects renumbered claim 84 (formerly 83) under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694) in further view of *Bucher* (U.S. Pub. No. 2001/0016925).

Applicants respectfully traverse the rejection.

Claim 1 has been amended to recite: “a data input port configured to receive the activity from the transmission medium, wherein the data input port includes signal conversion logic configured to convert a signal type used by the transmission medium to a signal type used by the analyzer and wherein the signal conversion logic is further configured to index at least a portion of the transmission medium activity.” Support for the amendment to claim 1 may be found at least in paragraph [0029] of the specification. Claims 23 and 37, although of different scope, have been amended to recite similar language. In contrast, the Examiner has not shown that the references teach or suggest the aforementioned limitations.

Claim 56 has been amended to recite: “a data input port configured to receive a plurality of data channels from a transmission medium, wherein the data input port includes adaptor logic configured to group select ones of the plurality of data channels in dependence on a protocol of the received data.” Support for the amendment to claim 56 may be found at least in paragraph [0029] of the specification. Claim 73, although of different scope, has been amended to recite similar language. As with claims 1, 23, and 37 discussed above, the Examiner has not shown that the references teach or suggest the aforementioned limitations.

Therefore, in light of the foregoing amendments and remarks, Applicants respectfully submit that no *prima facie* case of obviousness exists for claims 1, 23, 37, 56, and 73, as amended. Accordingly, Applicants respectfully submit that the rejection of claims 1, 23, 37, 56, and 73, as well as corresponding dependent claims 2-6, 8, 9, 11-15, 27-36, 39-41, 43-55, 57-64, 66-72, and 74-86, should be withdrawn.

III. New Claims 87 and 88

By this amendment, Applicants have added new claims 87 and 88, which depend from claims 1 and 56, respectively. Support for claims 87 and 88 can be found, for example, in the

application at paragraphs [0029]. Claims 87 and 88 are believed to be in allowable condition at least by virtue of their dependence from allowable claims 1 and 56, respectively.

IV. Charge Authorization

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 20th day of May, 2009.

Respectfully submitted,

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